

Remarks

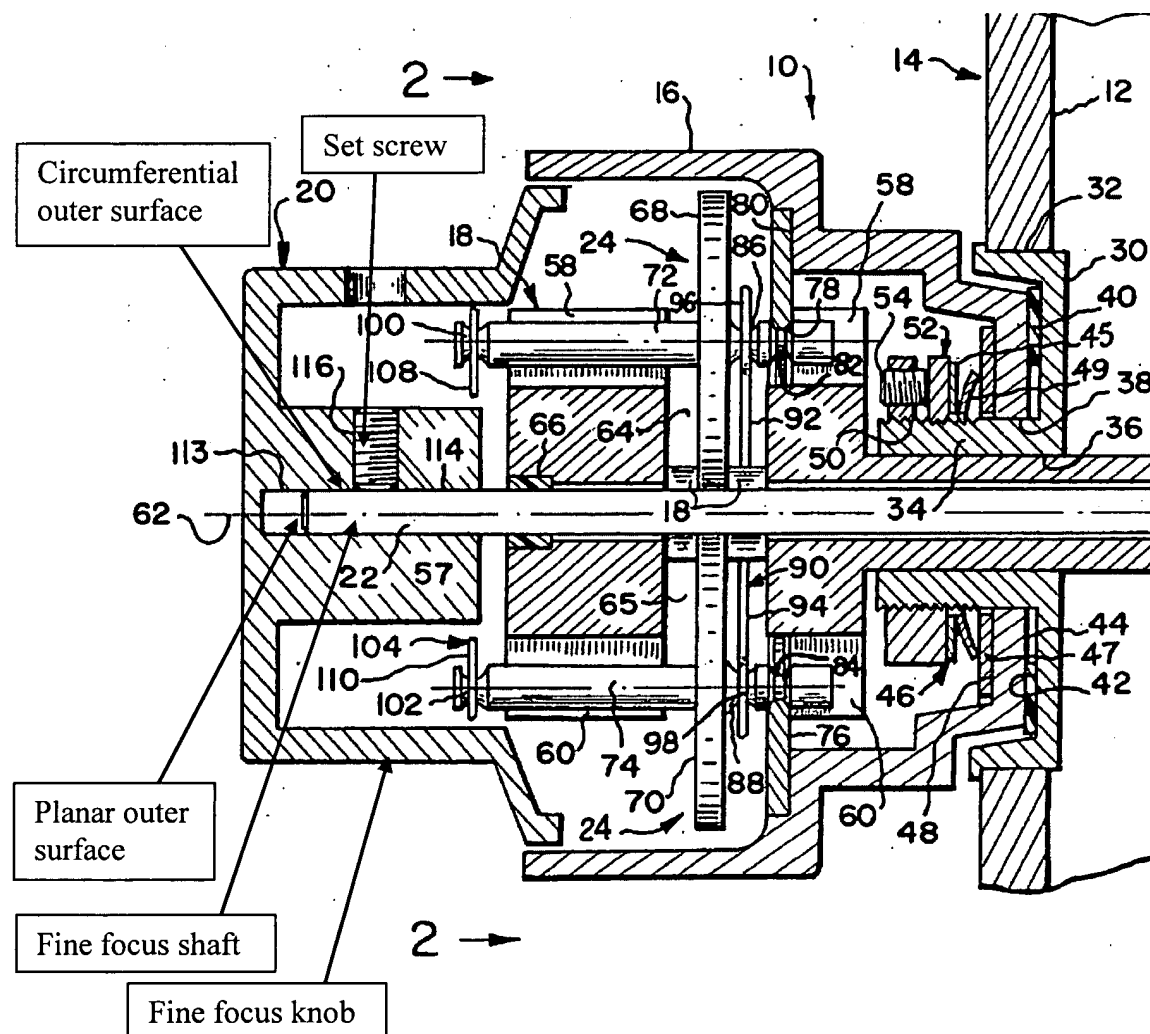
Allowable Subject Matter

In the body of the instant Office Action the Examiner has indicated that Claims 1-3, 5-13 and 15-21 are allowed, while in the cover page of the instant Office Action the Examiner has indicated that Claims 1-3, 5-7, 9-13 and 15-21 are allowed. Applicants graciously acknowledge the Examiner's determination. Kindly confirm which claims are allowed in the next office communication.

The Rejection of Claims 22, 24, 26-28, 30 and 32 under 35 U.S.C. § 103

Claims 22, 24, 26-28, 30 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,616,517 (*Esmay*) in view of United States Patent No. 5,684,627 (*Ganser et al.*). Applicants respectfully traverse this rejection and request reconsideration for the following reasons.

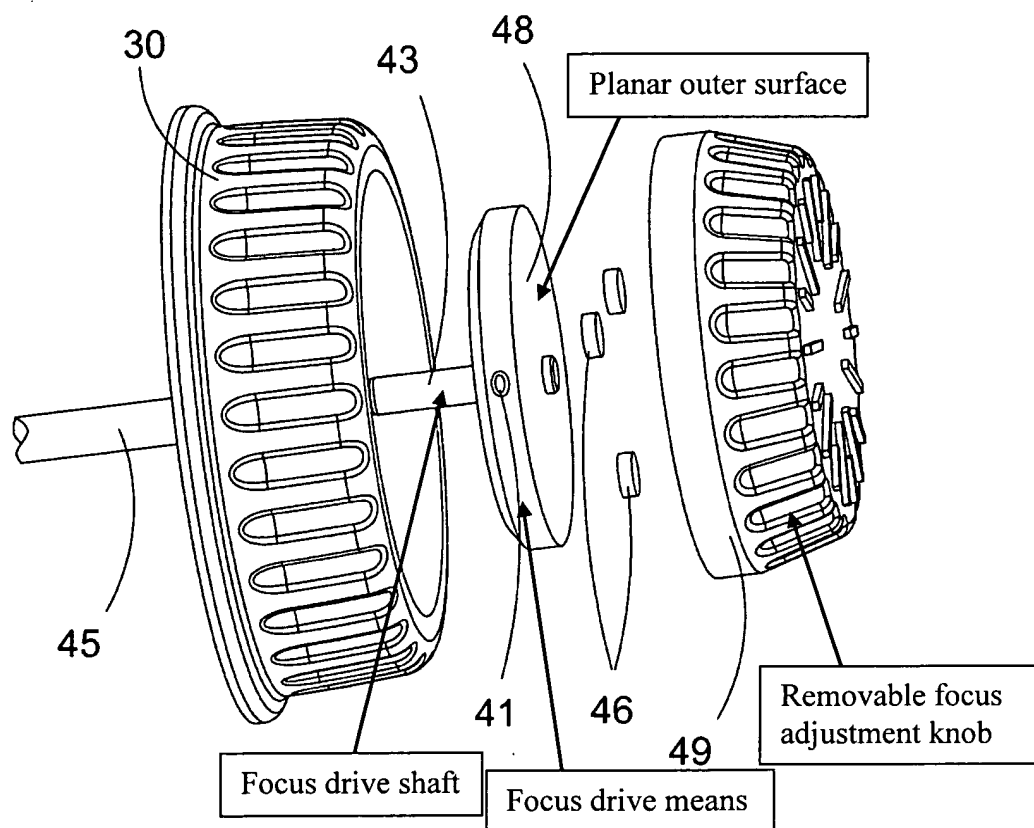
Applicants courteously submit that the device taught by *Esmay* does not include a first removable focus adjustment knob that is removably attachable to a first planar outer surface of a first focus drive means, nor a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means, as recited in Applicants' amended Claim 22. More specifically, *Esmay* teaches a microscope including "[a] fine focus knob 20 [having] a bore 113 which is slip fit over end 114 of fine focus shaft 22. Knob 20 may be secured to shaft 22 by means of set screw 116." (*Esmay*, Col. 3, lines 66 through 8; Fig. 1). As can be seen in the figure below, knob 20 is releasably secured to shaft 22 by means of set screw 116. However, Applicants courteously submit that knob 20 is not releasably attached to the planar outer surface of shaft 22 but is releasably attached to the circumferential outer surface of shaft 22. (See *Esmay* Fig. 1 below).



Esmy Fig. 1

Contrarily, Applicants teach a microscope having “a first focusing means comprising a first removable focus adjustment knob and a first focus drive means, wherein said first focus drive means has a first planar outer surface, said first removable focus adjustment knob removably attachable to said first planar outer surface; a second focusing means comprising a second removable focus adjustment knob and a second focus drive means, wherein said second focus drive means has a second planar outer surface, said second removable focus adjustment knob removably attachable to said second planar outer surface, wherein each of

said first and second removable focus adjustment knobs are releasably and alternatively fastenable to either of said first and second focus drive means and one of said first and second focus adjustment knobs has an axial length greater than that of the other.” (Applicants’ amended Claim 22). In short, Applicants’ amended Claim 22 recites first and second focus drive means having first and second planar outer surfaces, respectively, and first and second removable focus adjustment knobs removably attachable to the first and second planar outer surfaces. (*See* Applicants’ Fig. 13 below).



Instant Application Fig. 13

As described in paragraph [0039] of Applicants' specification, "[i]n such [an] embodiment, rotatable focus drive means **48** comprises a planar outer face which may be secured to fine focus drive shaft **43**, which shaft is coaxial with coarse focus drive shaft **45**. Rotatable

focus drive means **48** may be secured to fine focus drive shaft **43** by fastening screw **41**. It should be appreciated that the outer surface, or face, of rotatable focus drive means **48** is configured such that it does not comprise pin receiving means and is, preferably, formed from a magnetically attractive material such that magnets **46** fastened to pins **44** of fine focus knob **49** may be attractively secured thereto. The magnetic attraction between magnets **46** of fine focus knob **49** and the magnetically attractive surface of rotatable focus drive means **48** is of such force that a microscope operator may finely adjust the object plane of the microscope by rotating knob **49**.” (Instant Application Paragraph [0039]).

Applicants respectfully assert that *Esmay*’s knob **20** secured to shaft **22** by set screw **116** is not a focus knob secured to a planar outer surface of a focus drive means, as set screw **116** only releasably secures knob **20** to the circumferential outer surface of shaft **22**, and furthermore, there is no teaching suggestion or motivation to secure knob **20** to the planar outer surface of shaft **22**. As such, *Esmay* fails to teach a device having a first removable focus adjustment knob that is removably attachable to a first planar outer surface of a first focus drive means and a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means, as recited in Applicants’ amended Claim 22.

Similarly, *Ganser et al.* fail to teach a device having a first removable focus adjustment knob that is removably attachable to a first planar outer surface of a first focus drive means and a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means, as recited in Applicants’ amended Claim 22. More specifically, *Ganser et al.* discloses a microscope with a multi-functional adjustment knob, *i.e.*, a knob associated with an encoder, wherein the encoder is connected to a control device, which device controls a plurality of positioning motors. Applicants courteously submit that *Ganser et al.* are silent regarding the attachment of knob **2** to a drive means for the microscope. Therefore, in short, the microscope taught by *Ganser et al.* does not show a focus drive means having a planar outer surface, nor the attachment of a focus knob thereto.

Contrarily, as stated *supra*, the instant invention microscope recited in Applicants’ amended Claim 22 includes a first removable focus adjustment knob that is removably attachable

to a first planar outer surface of a first focus drive means and a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means. Thus, Applicants respectfully assert that the microscope of *Ganser et al.* does not include all the elements of Applicants' amended Claim 22, as no teaching of how knob 2 is attached to a focus drive mechanism contained in the reference. As such, *Ganser et al.* fail to cure the defects of *Esmay*, *i.e.*, they do not teach a device having a first removable focus adjustment knob that is removably attachable to a first planar outer surface of a first focus drive means, nor a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means, as recited in Applicants' amended Claim 22.

In order to establish a *prima facie* case of obviousness, the references alone or in combination must teach or suggest all the limitations of Applicants' claimed invention. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Thus, as amended independent Claim 22 contains elements that are not disclosed in the cited references, *i.e.*, a first removable focus adjustment knob that is removably attachable to a first planar outer surface of a first focus drive means and a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means, it generally follows that Claim 22 is patentable over *Esmay* in view of *Ganser et al.*. Dependent Claims 24 and 26 contain all of the limitations of independent Claim 22, due to their dependency therefrom. Therefore, since Claim 22 is patentable over *Esmay* in view of *Ganser et al.*, due to the missing elements, it necessarily follows that Claims 24 and 26 are also patentable over *Esmay* in view of *Ganser et al.*, due to their dependency from Claim 22.

As described *supra*, *Esmay* teaches a microscope having a fine focus knob secured to a fine focus shaft by means of a set screw, wherein the set screw engages a circumferential outer surface of the shaft. Thus, it generally follows that *Esmay* does not teach a microscope in combination with an interchangeable stage drive assembly, the microscope having a first focusing means including a first coarse adjustment knob and a first removable fine focus adjustment knob, a second focusing means including a second coarse adjustment knob and a second removable fine focus adjustment knob, and at least first and second focus drive means

comprising first and second planar outer surfaces, respectively, and **the first and second removable fine focus knobs are removably attachable to the first and second planar outer surfaces**, respectively, as well as releasably and alternatively fastenable to each of the at least first and second focus drive means, as recited in Applicants' amended Claim 27. As such, it is impossible to attach the knob of the *Esmay* microscope to the planar outer surface of the focus shaft. In short, *Esmay* fails to teach all of the elements recited in Applicants' amended Claim 27, as the *Esmay* microscope is not capable of attaching a knob to the planar outer surface of the focus shaft. In like fashion, as described *supra*, *Ganser et al.* do not cure the defects of *Esmay*, *i.e.*, they do not teach the elements recited in Applicants' amended Claim 27.

Hence, as independent Claim 27 contains elements that are not disclosed in the cited references, it follows that Claim 27 is also patentable over *Esmay* in view of *Ganser et al.* Dependent Claims 28, 30 and 32 contains all of the limitations of independent Claim 27, due to their dependency therefrom. Thus, as Claim 27 is non-obvious in view of *Esmay*, and further in view of *Ganser et al.*, due to the missing elements, it necessarily follows that Claims 28, 30 and 32 are also non-obvious in view of *Esmay*, and further in view of *Ganser et al.*, due to their dependency from Claim 27.

Accordingly, withdrawal of the rejections of Claims 22, 24, 26-28, 30 and 32 under 35 U.S.C. § 103(a) is appropriate and respectfully requested.

The Rejection of Claims 23, 25, 29 and 31 under 35 U.S.C. § 103

Claims 23, 25, 29 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Esmay* in view of *Ganser et al.* as applied to Claims 22 and 27 above, and further in view of United States Patent No. 4,158,216 (*Bigelow*). Applicants respectfully traverse this rejection and request reconsideration for the reasons set forth above and the following reasons.

As described *supra*, *Esmay* and *Ganser et al.* fail to teach all the elements of Applicants' amended Claim 22. Furthermore, *Bigelow* does not cure the defects of *Esmay* and *Ganser et al.* regarding the elements of Claim 22 that are not taught or disclosed by these references, *i.e.*, a first removable focus adjustment knob that is removably attachable to a first planar outer surface

of a first focus drive means and a second removable focus adjustment knob that is removably attachable to a second planar outer surface of a second focus drive means. Applicants courteously submit that *Bigelow* in fact teaches away from the instant invention as *Bigelow* discloses “[a] control for use upon a solid panel, **devoid of control shaft apertures.**” (*Bigelow*, Abstract). As such, it does not follow that *Bigelow* teaches focus drive means as recited in Applicants’ claims, and described in Applicants’ specification.

Hence, as independent Claim 22 contains elements that are not disclosed in the cited references, it follows that Claim 22 is also patentable over *Esmay* in view of *Ganser et al.* and further in view of *Bigelow*. Dependent Claims 23 and 25 contain all of the limitations of independent Claim 22, due to their dependency therefrom. Thus, as Claim 22 is non-obvious in view of *Esmay* and *Ganser et al.*, and further in view of *Bigelow* due to the missing elements, it necessarily follows that Claims 23 and 25 are also non-obvious in view of *Esmay* and *Ganser et al.*, and further in view of *Bigelow*, due to their dependency from Claim 22.

Also as described *supra*, *Esmay* and *Ganser et al.* fail to teach all the elements of Applicants’ amended Claim 27. Furthermore, *Bigelow* does not cure the defects of *Esmay* and *Ganser et al.* regarding the elements of Claim 27 that are not taught or disclosed by these references, *i.e.*, a microscope in combination with an interchangeable stage drive assembly, the microscope having a first focusing means including a first coarse adjustment knob and a first removable fine focus adjustment knob, a second focusing means including a second coarse adjustment knob and a second removable fine focus adjustment knob, and at least first and second focus drive means comprising first and second planar outer surfaces, respectively, and the first and second removable fine focus knobs are removably attachable to the first and second planar outer surfaces, respectively, as well as releasably and alternatively fastenable to each of the at least first and second focus drive means. Again, Applicants courteously submit that *Bigelow* in fact teaches away from the instant invention as *Bigelow* discloses “[a] control for use upon a solid panel, **devoid of control shaft apertures.**” (*Bigelow*, Abstract). As such, it does not follow that *Bigelow* teaches focus drive means as recited in Applicants’ claims, and described in Applicants’ specification.

Hence, as independent Claim 27 contains elements that are not disclosed in the cited references, it follows that Claim 27 is also patentable over *Esmay* in view of *Ganser et al.* and further in view of *Bigelow*. Dependent Claims 29 and 31 contain all of the limitations of independent Claim 27, due to their dependency therefrom. Thus, as Claim 27 is non-obvious in view of *Esmay* and *Ganser et al.*, and further in view of *Bigelow* due to the missing elements, it necessarily follows that Claims 29 and 31 are also non-obvious in view of *Esmay* and *Ganser et al.*, and further in view of *Bigelow*, due to their dependency from Claim 27.

Accordingly, withdrawal of the rejections of Claims 23, 25, 29 and 31 under 35 U.S.C. § 103(a) is appropriate and respectfully requested.

Claims 33 and 34

Applicants courteously submit that the instant Office Action is improper because the Examiner has not included Claims 33 and 34 in the statement of rejection. Although, Claims 33 and 34 are included in the body of the first above described rejection under § 103(a), the statement of rejection is defective in failing to recite which claims are included in the rejection.

Regardless of the basis of rejection, Applicants courteously submit that as set forth above, Applicants' amended Claim 22 is patentable over *Esmay* in view of *Ganser et al.*, *i.e.*, the references relied upon in the first rejection under § 103(a). Dependent Claim 34 contains all of the limitations of independent Claim 22, due to its dependency therefrom. Thus, as Claim 22 is patentable over *Esmay* in view of *Ganser et al.* due to the missing elements, it necessarily follows that Claim 34 is also patentable over *Esmay* in view of *Ganser et al.*, due to its dependency from Claim 22.

Similarly, Applicants courteously submit that as set forth above, Applicants' amended Claim 27 is patentable over *Esmay* in view of *Ganser et al.*, *i.e.*, the references relied upon in the first rejection under § 103(a). Dependent Claim 33 contains all of the limitations of independent Claim 27, due to its dependency therefrom. Thus, as Claim 27 is patentable over *Esmay* in view of *Ganser et al.* due to the missing elements, it necessarily follows that Claim 33 is also patentable over *Esmay* in view of *Ganser et al.*, due to its dependency from Claim 27.

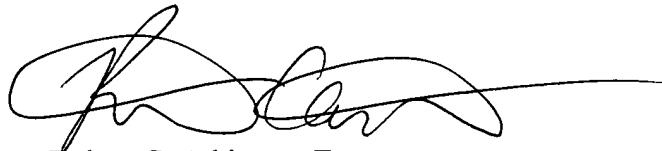
Attorney Docket No. LEAP:128US
U.S. Patent Application No. 10/811,346
Reply to Office Action of December 11, 2006
Date: March 8, 2007

Therefore, in view of the foregoing, Applicants respectfully assert that Claims 33 and 34 are in condition for allowance, which action is courteously requested.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned agent of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. C. Atkinson', with a long horizontal flourish extending to the right.

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